

**UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

EDDIE J. HAYNES,)	
)	
PLAINTIFF,)	
)	
vs.)	CASE NO. 2:06-cv-1093-WKW
)	
CITY OF MONTGOMERY, ALABAMA,)	
)	
DEFENDANT.)	

MOTION FOR ENTRY OF QUALIFIED HIPAA PROTECTIVE ORDER

Comes now the Plaintiff, Eddie J. Haynes, and moves the Court to enter a Qualified HIPAA Protective Order in this case, in the form attached hereto, on the following grounds:

1. Medical information relating to the Plaintiff is relevant to the issues in this case.
2. Entry of a Qualified HIPAA Protective Order is necessary to authorize healthcare providers to disclose such information.

/s/ Gerald L. Miller
GERALD L. MILLER (MIL039)
Attorney for Plaintiff

OF COUNSEL:
REDDEN, MILLS & CLARK, LLP
505 North 20th Street
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Birmingham, Alabama 35203
(205) 322-0457

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of May, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Kimberly O. Fehl
Assistant City Attorney
City of Montgomery
P.O. Box 1111
Montgomery, Alabama 36101-1111

/s/ Gerald L. Miller
OF COUNSEL

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)	
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QUALIFIED HIPAA PROTECTIVE ORDER

The parties are hereby granted the right, upon compliance with the applicable discovery provisions of the Federal Rules of Civil Procedure and the orders of this court, to obtain from any health care provider, health plan, or other entity covered by the Health Insurance Portability and Accountability Act of 1996, Pub. L. N. 104-191, 110 Stat. 1936 (1196) ("HIPAA"), any and all information relating to the past, present, or future medical condition of any individual who is a party to this action, as well as any and all information relating to the provision of health care to such individual and payment for the provision of such health care.

This order authorizes any third-party who is provided with a subpoena requesting the production of documents or commanding attendance at deposition or trial to disclose the Protected Health Information in response to such request or subpoena. This order is intended to authorize such disclosures under the privacy regulations issued pursuant to HIPAA. 45

C.F.R. §164.512(e)(1)(i).

The parties are expressly prohibited from using or disclosing the protected health information obtained pursuant to this order for any purpose other than this action. Further, the parties are ordered to either return to the covered entity from whom or which such protected health information was obtained, or to destroy the protected health information (including all copies made), immediately upon conclusion of this action. See 45 C.F.R. §§163.502(b); 164.512(e)(1)(v).

DONE and ORDERED this _____ day of _____, 2007.

W. Keith Watkins, United States District Judge